

REMARKS

Claims 24-37 are pending in the present application. Claims 24 and 32 are independent. Claims 1-23 have been cancelled.

Double Patenting Rejection

Claim 15-23 are rejected under 35 USC §101 as claiming the same invention as claims 1-9 of USP 6,721,505. This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

Due to a species election requirement made on October 15, 2003 in parent Application No. 10/457,407, this Divisional application was filed to pursue the non-elected species. Subsequently, claim 15 of the parent application was found to be both generic and allowable. Thus, there was a rejoinder of the restricted species in the parent application. The present divisional application was filed before this rejoinder and allowance in the parent application. Applicant was anticipating a repetition of the species elections requirement in this divisional application but the allowability of the generic claim and rejoinder of the non-elected species has resulted in all of the parent claims being patented. The result is that the claims of the parent application are being applied under a §101 Double Patenting Rejection to reject the claims of this Divisional application. This situation is regrettable but easily solved by the submission of new claims in this Divisional application.

Thus, Applicant has cancelled the pending claims and submitted new claims directed to further aspects of the invention.

Applicant respectfully submits the Divisional does not claim the same invention as the parent application and, thus, the double patenting rejection does not apply to the pending claims. Thus, the

§101 rejection has been rendered moot and Applicant respectfully requests reconsideration and withdrawal thereof.

Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Michael R. Cammarata, #39,491

MRC/jeb
4450-0408P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000